

CONNELL FOLEY LLP

ATTORNEYS AT LAW

85 LIVINGSTON AVENUE
ROSELAND, N.J. 07068-3702

(973) 535-0500

FAX: (973) 535-9217

JERSEY CITY OFFICE
HARBORSIDE FINANCIAL CENTER
2510 PLAZA FIVE
JERSEY CITY, N.J. 07311-4029
(201) 521-1000
FAX: (201) 521-0100

NEW YORK OFFICE
888 SEVENTH AVENUE
NEW YORK, N.Y. 10106
(212) 262-2390
FAX: (212) 262-0050

PHILADELPHIA OFFICE
1500 MARKET STREET
PHILADELPHIA, PA 19102
(215) 246-3403
FAX: (215) 665-5727

ELIZABETH M. TRANTINA*
M. TREVOR LYONS*
CRAIG S. DEMARESKI*
ELIZABETH W. EATON
JOSEPH M. MURPHY
JASON E. MARX*
MICHAEL A. SHADIACK
OWEN C. MCCARTHY
PATRICIA A. LEE**
DOUGLAS J. SHORT*
JAMES M. MERENDINO
MICHELE T. TANTALLA*
AGNES ANTONIAN*
BRYAN P. COUCH*
GREGORY E. PETERSON*
HECTOR D. RUIZ*
NEIL V. MODY*
ROBERT A. VERDIBELLO*
MICHAEL J. ACKERMAN*
MELISSA A. ZAWADZKI*
MEGHAN C. GOODWIN*
MATTHEW S. SCHULTZ*
JENNIFER C. CRITCHLEY*
PATRICK S. BRANNIGAN*
MATTHEW I. GENNARO*
DANIELA R. D'AMICO*
DANIA BILLINGS MURPHY*
CHRISTINE I. GANNON*

PLEASE REPLY TO ROSELAND, NJ

PHILIP W. ALLOGRAMENTO III*
CATHERINE G. BRYAN*
JAMES C. HAYNIE*
LAURIE B. KACHONICK*
MICHAEL D. RIDENOUR*
MEGAN M. ROBERTS*
ANDREW C. SAYLES*
STEPHEN D. KESSLER
CHRISTOPHER ABATEMARCO*
AARON M. BENDER
ANTHONY J. CORINO
WILLIAM D. DEVEAU*
DANIEL B. KESSLER*
CONOR F. MURPHY*
MEGHAN B. BARRETT*
RUKHSANAH L. LIGHARI
NICOLE B. DORY*
PATRICK E. DURING
CHRISTIAN J. JENSEN*
JOSEPH A. VILLANI, JR.*
LEE B. WILSON
ANDREW B. BUCKMAN
E. KEVIN VOLZ
BETH A. FERLICCHI
JENNIFER E. CONSTANTINOU
CHRISTOPHER M. HEMRICK*
SUSAN KWIATKOWSKI
MONICA SETH*
MELISSA D. LOPEZ
NEHA BANSAL

JOHN A. PINDAR (1969)
GEORGE W. CONNELL (2005)
ADRIAN M. FOLEY, JR.
GEORGE J. KENNY*
KENNETH F. KUNZMAN
SAMUEL D. LORD
RICHARD D. CATENACCI
RICHARD J. BADOLATO*
PETER D. MANAHAN
JOHN B. MURRAY
MARK L. FLEDER
KEVIN J. COAKLEY
WILLIAM H. GRAHAM*
THOMAS S. COSMA
KATHLEEN S. MURPHY
PATRICK J. MCAULEY
PETER J. PIZZI*
KEVIN R. GARDNER
ROBERT E. RYAN
MICHAEL X. MCBRIDE*
JEFFREY W. MORYAN
JOHN K. BENNETT
PETER J. SMITH*
BRIAN G. STELLER
PHILIP F. MCGOVERN, JR.
KAREN PAINTER RANDALL
LIZA M. WALSH
JOHN P. LACEY
TIMOTHY E. CORRISTON*
ERNEST W. SCHOELLKOPFF*
PATRICK J. HUGHES**
JAMES C. MCCANN*
JOHN D. CROMIE
ANGELA A. JUSO*
GLENN T. DYER

WILLIAM T. MCGLOIN*
BRENDAN JUDGE
CHARLES J. HARRINGTON III*
DAREN S. McNALLY*
STEPHEN V. FALANGA*
JEFFREY L. O'HARA
TRICIA O'REILLY*
ANTHONY F. VITIELLO*
MARC D. HAEPNER
JONATHAN P. MCHENRY
JAMES P. RHATICAN**
MATTHEW W. BAUER*
BRAD D. SHALIT*
W. NEVINS MCCANN*
THOMAS J. O'LEARY*
MITCHELL W. TARASCHI
BARBARA M. ALMEIDA*

COUNSEL
JOHN W. BISSELL
JOHN B. LA VECCHIA
FRANCIS E. SCHILLER*
EUGENE P. SQUEO*
NOEL D. HUMPHREYS*
ANTHONY ROMANO II*
STEVE BARNETT*
KARIN I. SPALDING*
JODI ANNE HUDSON*
CORNELIUS J. O'REILLY*
RICHARD A. JAGEN
NANCY A. SKIDMORE*
THOMAS M. SCUDERI*

* ALSO ADMITTED IN NEW YORK
** ALSO ADMITTED IN PENNSYLVANIA

ORDER ON ORAL MOTION

September 25, 2009

Via ECF and First-Class Mail

Honorable Claire C. Cecchi, U.S.M.J.
United States District Court for the District of New Jersey
Martin Luther King, Jr. Federal Building & U.S. Courthouse
50 Walnut Street
Newark, New Jersey 07101

Re: *Bauer v. Prudential Financial, Inc., et al.*
Civil Action No. 09-1120 (JLL/CCC)

Dear Judge Cecchi:

This firm and Goodwin Procter LLP represent Defendants Prudential Financial, Inc., Arthur F. Ryan, Richard J. Carbone, Peter B. Sayre, Dennis G. Sullivan, Frederic K. Becker, Gordon M. Bethune, Gaston Caperton, Gilbert F. Casellas, James G. Cullen, William H. Gray III, Jon F. Hanson, Constance J. Horner, Karl J. Krapek, and James A. Unruh (collectively, "Prudential Defendants"), in connection with the above-referenced matter. We write to confirm that the Court has requested that the parties follow the prior Appendix N procedure in respect of the filing and service of all briefing of the defendants' pending motions to dismiss. Thus, all parties will serve their motion papers, including all oppositions and replies, in accordance with the April 9, 2009 Stipulation and Order Extending Time to Respond to Complaint (Doc. No. 16), and the motion papers will be filed with the Court once briefing is complete.

Honorable Claire C. Cecchi, U.S.M.J.
September 25, 2009
Page 2

Accordingly, the Prudential Defendants, pursuant to the Court's instructions, request that their motion to dismiss appearing at docket entry number 57, which Prudential Defendants timely served on all counsel of record on September 21, 2009, be withdrawn, without prejudice. We appreciate Your Honor's attention to this matter.

Respectfully submitted,

s/Liza M. Walsh
Liza M. Walsh

cc: All counsel of record (via ECF)

The Clerk shall administratively terminate the Prudential Defendants' motion to dismiss (Docket Entry No. 57). As set forth above, such motion shall be re-filed pursuant to the procedure set forth in the former Appendix N to the Local Rules of this District.

SO ORDERED

Claire C. Cecchi, U.S.M.J.

Date: September 29, 2009